

DISTRICT COURT OF THE VIRGIN ISLANDS
UNITED STATES BANKRUPTCY COURT
DIVISION OF ST. THOMAS AND ST. JOHN
DIVISION OF ST. CROIX

IN RE:
AMENDMENTS TO THE LOCAL BANKRUPTCY RULES

)
)
)
General Order No. 2010-1
)
)
)

ORDER

It is hereby ORDERED that the amendments to Local Bankruptcy Rules 1001-2, 1002-2, 1006-1, 1007-4, 2002-1, 2004-1, 2016-3, 5011-1, 7008-1, 7014-1, 7037-1, 8007-1, 9006-1, 9013-1, 9015-1, and 9070-1, proposed in this Court's January 5, 2010 Notice, shall become effective on January 21, 2010.

Dated: January 21, 2010

s_____
CURTIS V. GÓMEZ
Chief Judge

Copies:

Hon. Raymond L. Finch
Hon. Geoffrey W. Barnard
Hon. George W. Cannon
Wilfredo F. Morales, Clerk of the Court
Joanne Barry
Cicely Francis
Theresa Thomas
Monica Ruhle
Olga Schneider
STT Law Clerks
STX Law Clerks
Members of the V.I. Bar

**AMENDMENTS TO LOCAL BANKRUPTCY RULES EFFECTIVE ON
JANUARY 21, 2010**

Rule 1001-2 APPLICABILITY OF LOCAL RULES AND RULES OF CONSTRUCTION

I. A certificate of service must be filed within seven (7) days of the date of service of any document or pleading.

Rule 1002-2 SEQUENCE OF FILINGS

A. All filings shall be made electronically. An executed Declaration Re: Electronic Filing, Local Form No. 1, must be filed in paper copy within fourteen (14) days of the electronic filing of the petition. The original signed petition and related documents must be kept by the debtor's attorney for the six year retention period specified in the Court's Electronic Case Filing Procedures. Debtors not represented by an attorney must submit on paper an executed Declaration Re: Electronic Filing of Petition, Schedules and Statements for Individual Debtor Not Represented by Counsel, Local Form No. 1 A, within fourteen (14) days of the filing of the petition.

Rule 1006-1 FILING FEES, INSTALLMENT PAYMENTS

B. Effect of Dismissal on Obligation for Fees: Whenever a case is dismissed prior to the fees being paid in full, the debtor shall remit the balance of the fees to the Clerk within fourteen (14) days after the entry of the order of dismissal.

Rule 1007-4 PROOF OF INCOME (effective for cases filed after October 16, 2005)

A. The debtor shall provide to the trustee not later than 14 days before the date first set for the first meeting of creditors a paper copy of the Federal income tax return required under applicable law (or, at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed. If a Federal tax return was not filed, the debtor shall submit a statement with the trustee not later than 14 days before the date first set for the first meeting of creditors which informs the trustee that a Federal tax return is not available and the reason.

D. Each individual debtor shall also report to the trustee not later than 14 days before the date first set for the first meeting of creditors any other source of income not listed on debtor's Federal income tax return or payment advices.

Rule 2002-1 CERTIFICATES OF SERVICE

A. Any entity who serves a notice, order or other document in satisfaction of a notice requirement, electronically, by mail, facsimile, or other authorized method, whether electronically

or in paper copy format, shall file a certificate of service with the Clerk within seven (7) calendar days after the date of service.

Rule 2004-1 EXAMINATION

C. Notice: Not less than twenty-eight (28) days written notice of a proposed examination shall be given to the entity to be examined, its counsel, and to other affected parties. The entity to be examined and other affected parties shall have fourteen (14) days after service, plus an additional three (3) days when the notice is served by mail, to respond or object to the proposed examination. The notice shall apprise the party of the scope of the examination and categories of documents to be produced.

Rule 2016-3 COMPENSATION OF DEBTOR OR DEBTOR'S OFFICERS, PARTNERS, AND DIRECTORS IN CHAPTER 11 CASES

B. Within twenty-one (21) days after the date of filing of the petition, the debtor shall file and serve on the U.S. Trustee and any committee of creditors holding unsecured claims (or, if no such committee has been appointed, the creditors listed under Fed. R. Bankr. P. 1007(d)) a statement containing the following information:

1. the name of the debtor, if an individual, or the members of the partnership, or the officers and directors of the corporation, and any other insiders, specifying the position and duties of each;
2. the rate of compensation paid to each officer or director (a) one hundred eighty (180) days prior to and (b) at the time of the filing of the petition; and
3. the rate of compensation of each officer or director as of the time the statement is filed.

Rule 5011-1 WITHDRAWAL OF THE REFERENCE

B. Designation of Record and Copies:

2. Respondent(s) shall file a designation of additional items, if any, and the document numbers associated with each within seven (7) calendar days of the filing the motion for withdrawal of the reference.

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

C. Response: The response to any motion shall be filed and served within fourteen (14) days after service of the motion plus an additional three (3) days when service is by mail. If no response is timely filed, the motion shall be deemed uncontested and the Court shall dispose of the motion. Replies and surreplies are not permitted unless ordered by the Court. If permitted, replies and surreplies shall be filed and served within seven (7) days, plus an additional three (3) days when service is by mail, after service of the response or reply, as applicable.

Rule 7014-1 SERVICE OF PLEADINGS ON THIRD-PARTY DEFENDANTS

In every action in which there is a joinder of a third-party defendant, the third-party plaintiff shall deliver to the newly joined third-party defendant, within fourteen (14) days after the filing of an appearance or a responsive pleading by the joined third-party defendant, copies of all pleadings, orders, discovery materials, exhibits and any other material of record in the case (except for physical objects which cannot readily be copied).

Rule 7037-1 DISCOVERY DISPUTES

D. Compliance with discovery orders must be effected within fourteen (14) days of the entry of the order.

Rule 8007-1 APPEAL TO THE DISTRICT COURT FROM THE BANKRUPTCY COURT

A. Where, after a notice of appeal to the United States District Court has been filed in the Bankruptcy Court, the appellant fails to designate the contents of the record on appeal or fails to file a statement of issues on appeal within the time required by the Federal Rules of Bankruptcy Procedure, or fails to provide, when appropriate, evidence that a transcript has been ordered and that payment therefor has been arranged, or fails to take any other action to enable the Bankruptcy Clerk to assemble and transmit the record:

1. The Clerk of the Bankruptcy Court shall provide fourteen (14) days' notice to the appellant and appellee of an intention to transmit a partial record consistent with subsection B.2 of this Local Rule;
2. After the 14-day notice period has expired, the Clerk of the Bankruptcy Court shall thereafter promptly forward to the Clerk of the United States District Court a partial record consisting of a copy of the order or judgment appealed from, any opinion, findings of fact, and conclusions of law by the Court, the notice of appeal, a copy of the docket entries, any documents filed as part of the appeal, and any copies of the record which have been designated by the parties pursuant to Fed.R.Bankr.P. 8006. The record as transmitted shall be deemed to be the complete record for purposes of the appeal.

Rule 9006-1 TIME

C. All references to days mean calendar days unless otherwise noted.

Rule 9013-1 MOTIONS AND CONTESTED MATTERS

E. Replies and surreplies are not permitted except with leave of the Court. If permitted, they must be filed within seven (7) days after the response or reply is filed.

Rule 9015-1 JURY DEMAND

A. The party making a jury trial demand shall file the demand with the Clerk of the Bankruptcy Court and serve all parties in

interest. The last date on which a demand for jury trial may be made by any party is fourteen (14) days after:

1. an answer is filed and served to a complaint, cross-claim or counterclaim; or
2. a response to a motion or objection is filed and served.

Rule 9070-1 EXHIBITS

All exhibits, models, or diagrams, documentary or physical, introduced at a trial or hearing shall be withdrawn by the parties to the litigation or their counsel within fourteen (14) calendar days after final judgment, order or other final disposition of the trial or hearing, whichever is later. If the exhibits, models, or diagrams are not removed within the 14-day period, the Clerk shall destroy them or make such other disposition of them as the Clerk may deem appropriate. It shall be the responsibility of counsel to produce any and all exhibits as designated on appeal.